

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 7225/W0	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/EP 03/01687	International filing date (day/month/year) 18/02/2003	(Earliest) Priority Date (day/month/year) 21/02/2002
Applicant SOCIETE DES PRODUITS NESTLE S.A.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

- the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. Certain claims were found unsearchable (See Box I).

3. Unity of invention is lacking (see Box II).

4. With regard to the title,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

 None of the figures.

A. CLASSIFICATION OF SUBJECT MATTER IPC 7 A23K1/00 A23L1/03 A23K1/18		
According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) IPC 7 A23K A23L A23C		
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched		
Electronic data base consulted during the international search (name of data base and, where practical, search terms used) EPO-Internal, WPI Data, FSTA, BIOSIS		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 968 569 A (CAVADINI CHRISTOF ET AL) 19 October 1999 (1999-10-19) column 3, line 3 – line 33; claims 1,5,7,10,12,13; example 7 ---	1-5,7-9
X	DATABASE WPI Section Ch, Week 200232 Derwent Publications Ltd., London, GB; Class B04, AN 2002-278805 XP002207609 & RU 2 178 975 C (BORTS M S), 10 February 2002 (2002-02-10) abstract ---	1,2,5,9
X	DE 35 36 342 A (WOLF WALTER DR) 8 October 1987 (1987-10-08) claims 1,10 ---	1,2,10, 11 -/-
<input checked="" type="checkbox"/> Further documents are listed in the continuation of box C.		<input checked="" type="checkbox"/> Patent family members are listed in annex.
° Special categories of cited documents :		
<p>*A* document defining the general state of the art which is not considered to be of particular relevance</p> <p>*E* earlier document but published on or after the international filing date</p> <p>*L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</p> <p>*O* document referring to an oral disclosure, use, exhibition or other means</p> <p>*P* document published prior to the international filing date but later than the priority date claimed</p>		
<p>*T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</p> <p>*X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</p> <p>*Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.</p> <p>*&* document member of the same patent family</p>		
Date of the actual completion of the international search	Date of mailing of the International search report	
5 June 2003	12/06/2003	
Name and mailing address of the ISA European Patent Office, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Authorized officer Grittern, A	

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
P, X	US 2002/039606 A1 (MOTOZONO YUKIHIRO ET AL) 4 April 2002 (2002-04-04) claim 1; examples ---	1-3,5, 7-9
A	WO 01 17365 A (NESTLE SA) 15 March 2001 (2001-03-15) page 4, line 33 -page 5, line 22; example 1 ---	1-3,9,10
A	US 5 702 719 A (DONZIS BYRON A) 30 December 1997 (1997-12-30) claims; example 5 ---	1,9,10
A	FR 2 757 769 A (BOIRON) 3 July 1998 (1998-07-03) claims 1,5 ---	1,6,9, 10,12
A	EP 0 286 033 A (SOCOP NAHRUNGSMITTEL) 12 October 1988 (1988-10-12) page 5, line 55 -page 6, line 8 ---	1,7-10
A	US 6 270 811 B1 (FREGONESE ALEXANDRA) 7 August 2001 (2001-08-07) claims 1-8 ---	1,6,9,10
A	EP 0 904 784 A (NUTRICIA NV) 31 March 1999 (1999-03-31) claims -----	1-3,5

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box I.1

Although claims 17 and 18 are directed to a method of treatment of the animal body, the search has been carried out and based on the alleged effects of the composition.

Continuation of Box I.1

Claims Nos.: 17,18

Rule 39.1(iv) PCT - Method for treatment of the human or animal body by therapy

INTERNATIONAL SEARCH REPORT

International application No.
PCT/EP 03/01687

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. Claims Nos.: 17, 18
because they relate to subject matter not required to be searched by this Authority, namely:
see FURTHER INFORMATION sheet PCT/ISA/210
2. Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- The additional search fees were accompanied by the applicant's protest.
- No protest accompanied the payment of additional search fees.

Information on patent family members

PCT/EP 03/01687

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
US 5968569	A	19-10-1999		AT 206873 T AU 740761 B2 AU 5040598 A BR 9800271 A CA 2222758 A1 CN 1192330 A , B DE 69707413 D1 DE 69707413 T2 DK 862863 T3 EP 0862863 A2 ES 2164299 T3 JP 10191916 A NZ 329464 A PT 862863 T ZA 9800142 A		15-11-2001 15-11-2001 16-07-1998 29-06-1999 09-07-1998 09-09-1998 22-11-2001 16-05-2002 04-02-2002 09-09-1998 16-02-2002 28-07-1998 28-01-2000 29-04-2002 08-07-1999
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